

2004 SEP 17 12:21

MUR# 5533

**Complaint Against Ralph Nader for
President 2004 and the Michigan Republican
State Committee for Excessive Contributions**

SENSITIVE

Upon information and belief, Ralph Nader for President 2004, P.O. Box 18002, Washington, D.C. 20036, (hereinafter "Nader") and the Michigan Republican State Committee, 2121 E. Grand River, Lansing, MI 48912, (hereinafter "Republicans") have knowingly and willfully accepted and given, respectively, excessive contributions in violation of the limits imposed by the Federal Election Campaign Act (FECA).

I. Facts

In order to qualify as an independent (non-party) candidate for President of the United States in 2004 on the Michigan general election ballot, a petition containing the signatures of at least 30,000 voters had to be filed by 4 P.M. on July 15, 2004. See M.C.L. §§168.590b, 168.590c.

Upon information and belief, Republicans began gathering petition signatures to place Nader on the ballot as an independent candidate at least as early as the first of June, 2004 and perhaps earlier.

Michigan Republican efforts together signatures for Nader included the following:

- Republican Executive Director Greg McNeilly collected at least 1000 signatures himself;
- E-mail from the Michigan GOP solicited help collecting signatures for Nader (copy attached as Exhibit A);
- Use of 14 so-called "GOP Victory Centers" and their staff to distribute and collect Nader petitions (see Exhibit A);
- Use of GOP staff to collect signatures on Nader petitions;
- Filed at least 45,000 signatures;
- GOP General Counsel Eric Doster defended the GOP-gathered Nader petition signatures before the Michigan State Board of Canvassers which, inter alia, determines whether sufficient valid signatures have been filed to qualify a candidate for the ballot;
- When the Board of Canvassers deadlocked on placing Nader on the ballot, Doster filed suit in the Michigan Court of Appeals on behalf of a GOP staffer who gathered and filed Nader petition signatures, seeking a court order that Nader be placed on the Michigan ballot as an independent candidate for President. The Court so ordered on September 3, 2004.

The Michigan Court of Appeals made the following undisputed and unappealed findings of fact regarding the Republicans' efforts:

"[On July 15, 2004] Deleeuw filed an additional estimated 45,000 signatures in support of the [Nader] petition. There is no dispute that the signatures Deleeuw filed were collected by members and officials of the

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COMMISSION
OFFICE OF THE
SECRETARY

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Republican Party who obtained the petition forms from Mr. Nader's web site."

Exhibit B at 1-2 (emphasis added).

The Court went on to conclude that as a matter of fact and Michigan law, Republicans were acting as Nader's agents when they collected and filed petition signatures to place him on the ballot as an independent candidate for President. Indeed, the Republicans argued to the Court and the Court agreed that they were Nader's agents:

"Plaintiff [Republicans] contend that because Nader ratified their actions by accepting the petitions, they were acting as his agents. The restatement of Agency 2d, § 82, defines ratification as follows:

Ratification is the affirmance by a person of a prior act which did not bind him but which was done or professedly done on his account, whereby the act, as to some or all persons, is given effect as if originally authorized by him.

See also Henritz v General Electric Co, 182 Mich App 1, 8; 451 NW2d 558 (1990); Black's Law Dictionary (6th ed), p 872. It was un rebutted at the hearing that, regardless of Nader's media protestations to the contrary, he had taken every official action necessary for accepting the additional [Republican] signatures, and following the hearing, his campaign committee filed the forms necessary to identify his vice-presidential running mate and electors on August 30, 2004. This action ratified the additional [Republican] signatures filed on Nader's behalf. There is no question that Nader knew that the Republican Party was collecting petition signatures on his behalf; he could have appeared at the hearing, filed a complaint for injunctive relief in circuit court or a complaint with the prosecutor to stop this activity; however, he did not. Therefore, even if the statute is interpreted as including an agency requirement, it was met here."

Exhibit B at 3-4 (emphasis added).

II. Law

A state party committee can give only a \$5,000 contribution to a Presidential candidate. By any measure of the value of the petition gathering, defending and litigating services set forth above, the Republican contribution to Nader clearly exceeded \$5,000.

The measure of the value of the in-kind contribution to Nader by the Republicans is what it would have cost Nader if he had to purchase such services.

In Michigan, as in many other states, there are firms and individuals who will gather petition signatures for a fee. As such, there is a "market price" for petition signatures.

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The undersigned has been active in Michigan politics for over 25 years and has been involved, in one capacity or another including as a manager, in at least 10 petition drives in which paid signatures were collected.

Based upon that experience and upon information and belief, the current price for such signatures ranges from \$1.50 to as much as \$4 per signature depending upon the number of signatures, the time period in which they must be collected, the time of year collection occurs and a variety of other factors.

At only \$1.50 per signature, the 45,000 petitions signatures collected for Nader by the Republicans have a value of \$67,500, far in excess of the \$5,000 limit.

Given the volume of signatures required and the short time period for collection, it is likely that, based on information and belief, the cost per signature to Nader would have been substantially higher, perhaps as high as \$3 per signature for a total in-kind contribution of \$135,000. Further, such an organized state-wide campaign to gather signatures undoubtedly involved the use of Republican Party resources in aid of Nader, including but not limited to office space, equipment, supplies, computers, telephones, etc., which also constituted an in-kind contribution to Nader.

Adding to the value of the contribution is the cost of Michigan Republican Party General Counsel Eric Doster's defense of the petition signatures before the Board of Canvassers, including a written filing and testimony, the preparation of a complaint and brief to the Michigan Court of Appeals, and preparation and presentation of oral argument before the Court.

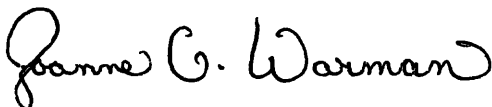
The undersigned has practiced election law in the state for 20 years. Based upon that experience and upon information and belief, all of these legal services would have required at least 20 hours of work at a rate of at least \$ 250 per hour.

Thus, upon information and belief, the Republicans violated the FECA by making made an in-kind contribution to Nader of at least \$72,500 and perhaps as much as \$140,000, both far in excess of the \$5,000 limit. Upon information and belief, Nader violated the FECA by accepting excessive in-kind contributions and by failing to report them.

III. Relief Sought

Nader and the Republicans should be found to have knowingly and willfully violated the FECA and its regulations by accepting and giving, respectively, excessive contributions, and be punished accordingly.

Signed and sworn to before me.



JOANNE C. WARMAN
NOTARY PUBLIC INGHAM CO. MI
MY COMMISSION EXPIRES Nov 10, 2006

Respectfully submitted,



Mark Brewer
606 Townsend
Lansing, MI 48933
517-371-5410
September 9, 2004

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Michigan Democratic Party

From: <BHAM07@aol.com>
To: <midemparty@mi-democrats.com>
Sent: Thursday, July 08, 2004 10:38 PM
Subject: E-mail sent Thur evening re. Nader

ALERTALERT***

TO: Republican Leaders
 FR: Greg McNeilly
 Executive Director

Your help is needed in the next five days to ensure that Michigan voters are not disenfranchised. Michigan Democrats are trying to block an independent candidate from having access to the ballot in Michigan. More specifically, they want Nader off the ballot.

In 2000, Ralph Nader got 1.8% of the vote in Michigan. According to Detroit News pollster Steve Mitchell (6/30/04) Ralph Nader is currently pulling 4% among Michigan voters. Those voters deserve the option and choice!

Michigan Democrats today announced that they fear Ralph Nader's access to the ballot will prevent John Kerry from winning Michigan.

In 1992 and 1996 Ross Perot was on the Michigan ballot. Many Republican strategists believed this hurt Republican candidates. It may have. But the Republican Party never tried to deny access nor disenfranchise voters by opposing ballot access for Perot.

This election will be close. Michigan Democrats are going to try every dirty trick possible.

While the Michigan Republicans are expending no funds to assist Nader's efforts, we are seeking volunteer help to ensure Nader's ballot access.

Right now, today, we need to assist efforts to provide Ralph Nader access to Michigan's ballot. Please contact your local Victory Center to help, our Lansing headquarters or click here for a link to obtain a petition from the Nader campaign:
<http://www.migop.org/nader.asp>

(Nader volunteers will collect the petitions from there)

Michigan Republican Party HQ
 2121 E. Grand River Ave.
 Lansing, MI 48912
 517-487-5413

Brighton Victory Center
 Linda Palazzollo
 123 Brighton Lake Rd., Suite 101, Brighton, MI 48116
 810-224-5181

Dearborn Victory Center
 Yvette Robinson
 23852 Michigan Ave., Dearborn, MI 48124
 313-263-0180

East Lansing Victory Center
 Jeremy Marks
 315 W. Grand River Ave., E. Lansing, MI 48823
 517-679-5063

EXHIBIT A

7/9/2004

Farmington Victory Center
Bryan Bernys
28124 Orchard Lk. Rd., Ste.100, Farmington Hills, MI 48834
248-381-8282

Flint Victory Center
Casey Braybrook
1110 Pier North Blvd., Suite A, Flint, MI 48504
310-223-0188

Grand Rapids Victory Center
Matthew Summey
353 Fuller N.E., Grand Rapids, MI 49503
316-608-1496

Holland Victory Center
Doug Komejan
230 Central Ave., Holland, MI 49423
616-928-9840

Jackson Victory Center
Jason Wadaga
1310 W. Michigan Ave., Jackson, MI 49202
517-544-0183

Kalamazoo Victory Center
Lindsay Case
1710 W. Milham Rd., Portage, MI 49008
269-929-9797

Macomb Victory Center
Amanda Hayner
48129 Van Dyke Ave., Shelby Twp., MI 48317
586-354-2180

Plymouth Victory Center
Cathryn Neracher
44780 Helm Street, Plymouth, MI 48170
734-245-0180

Port Huron Victory Center
Eric Ventimiglia
4861 24th Ave., Fort Gratiot, MI 48059
810-357-0180

Rochester Victory Center
Lindsay Lee
1633 Star Batt Dr., Rochester Hills, MI 48309
248-434-5182

Court of Appeals, State of Michigan

ORDER OF MANDAMUS

Nick Deleeuw v Board of State Canvassers

Docket No. 257501

LC No. 00-000000

Peter D. O'Connell
Presiding Judge

William C. Whitbeck

Donald S. Owens
Judges

The Court orders that the motion for leave to file a supplemental brief is GRANTED.

The Court orders that the Secretary of State's motion for summary disposition of the complaint as to her is GRANTED.

The Court orders that the complaint for mandamus is GRANTED. The Board of State Canvassers' sole duty with regard to qualifying petitions is to determine whether the signatures on the petition are valid, including that of the person who circulates the petition, whether they are the signatures of registered voters, and whether there are sufficient valid signatures to certify the petition. MCL 168.590f; MCL 168.552(8); *Gillis v Bd of State Canvassers*, 453 Mich 881; 554 NW2d 9 (1996). Because the challenge to the petition failed to establish that there were not at least 30,000 valid signatures filed in support, the board breached its clear legal duty to certify the petition.

Because equity regards as done that which, in good conscience, ought to have been done, *Kent v Klein*, 352 Mich 652, 656; 91 NW2d 11 (1958); *Boden v Renihan*, 299 Mich 226, 236; 300 NW 53 (1941), the Court orders that the Secretary of State is to take all necessary measures to place Ralph Nader's name on the Michigan ballot as an independent candidate for President of the United States in the November 2004 general election.

We retain jurisdiction.



Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 03 2004

Date


Chief Clerk

EXHIBIT B

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STATE OF MICHIGAN
COURT OF APPEALS

NICK DELEEUW, JOSH TWIEST, SEAN
DEVETTE, and RYAN DEVETTE,

Plaintiffs,

v

STATE BOARD OF CANVASSERS and
SECRETARY OF STATE,

Defendants,

and

MARK BREWER,

Intervenor.

FOR PUBLICATION
September 3, 2004
9:05 a.m.

No. 257501

Before: O'Connell, P.J., and Whitbeck, C.J., and Owens, JJ.

PER CURIAM.

Plaintiff has filed this complaint for mandamus seeking an order of this Court compelling the Board of State Canvassers to find sufficient and certify the petitions seeking to nominate Ralph Nader as an independent candidate for the office of President of the United States and directing that the name of Ralph Nader be placed on the Michigan ballot for President of the United States in the November 2, 2004, election. The Secretary of State has moved for summary disposition, arguing that plaintiffs have failed to identify any way in which she failed to fulfill her duties. We agree and grant both requests for relief.

Plaintiffs in this matter consist of a person who signed, circulated and filed petition sheets (Deleeuw), and petition signers seeking to have Ralph Nader listed on the ballot as an independent candidate for President of the United States. There is no dispute that under the Election Law, MCL 168.501 *et seq.*, a petition to qualify as an independent candidate for President of the United States on the 2004 Michigan ballot must include the signatures of at least 30,000 electors and be filed no later than 4:00 p.m. on July 15, 2004. On that date, a representative of Ralph Nader filed a qualifying petition that included an estimated 5,463 voter signatures. That same day, plaintiff Deleeuw filed an additional estimated 45,040 signatures in support of the petition. There is no dispute that the signatures Deleeuw filed were collected by members and officials of the Republican Party who obtained the petition forms from Mr. Nader's

web site. There is also no dispute that on July 13, 2004, Mr. Nader filed an affidavit of identity pursuant to MCL 168.558 indicating his desire to be nominated as an independent candidate for President of the United States.

The Secretary of State reviewed the submissions and determined that there were a sufficient number of facially valid signatures to accept the petition. On July 22, 2004, Michigan Democratic Party chair Mark Brewer filed a challenge to the petition under MCL 168.552, asserting, among other things, that Mr. Nader's qualifying petition could not include the signatures filed by Deleeuw because under MCL 168.590, the candidate must file the petition, and alleging that a substantial number of the signatures had been obtained in violation of Michigan election law.

The board conducted a hearing on the challenge on August 23, 2004. Notably, no one appeared at the hearing on behalf of Nader or his campaign. After listening to extensive arguments from both sides, the board was unable to come to a decision on any of the four motions placed before it. Plaintiff filed this complaint for mandamus on August 25, 2004. This Court granted Mark Brewer's motion to intervene on August 26, 2004.

"To obtain a writ of mandamus, the plaintiff must show that: (1) the plaintiff has a clear legal right to the performance of the duty sought to be compelled, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial in nature, and (4) the plaintiff has no other adequate legal or equitable remedy." *In re MCI Telecommunications Complaint*, 460 Mich 396, 443; 596 NW2d 164 (1999); *Bingo Coalition for Charity--Not Politics v Bd of State Canvassers*, 215 Mich App 405, 413; 546 NW2d 637 (1996).

The Board of State Canvassers comes within the definition of an "agency" in the Administrative Procedures Act. MCL 24.203(2). An agency has no inherent power. Any authority it may have is vested by the Legislature, in statutes, or by the constitution. *Belanger & Sons, Inc v Dep't of State*, 176 Mich App 59, 62-63; 438 NW2d 885 (1989); *Pharris v Secretary of State*, 117 Mich App 202, 204; 323 NW2d 652 (1982). The Board of State Canvassers' authority and duties with regard to qualifying petitions is set forth at MCL 168.552(8), which provides that the board's sole duty with regard to qualifying petitions is to determine whether the signatures on the petitions are valid, including those of the people who circulate the petitions, whether they are the signatures of registered voters, and whether there are sufficient valid signatures to certify the petition. See *Gillis v Bd of State Canvassers*, 453 Mich 881; 554 NW2d 9 (1996). There is nothing in the statute that would permit the board to look behind the signatures to determine the motives of the individual signatories or the motives or desires of the candidate. The Secretary of State found that there were sufficient valid signatures to warrant certification of the petition to place Nader on the November ballot as an independent.

Under MCL 168.552(8), challenges to the sufficiency of the petition are limited to "questioning the registration or the genuineness of the signature of the circulator or of a person signing a . . . petition filed with the secretary of state." The board had no authority to consider any issues other than those identified in MCL 168.552(8). The challenge to the petition failed to establish that there were not at least 30,000 valid signatures filed in support of Nader's candidacy, and in fact never disputed the genuineness of the signatures or the registration status of the people who signed the petitions. Rather, the challenge alleged various violations of election law, a subject that is not within the scope of the board's review. See MCL 168.31

(requiring the Secretary of State to report election fraud to the attorney general or prosecutor) and MCL 168.943 (conferring on circuit courts jurisdiction over offenses committed under the act). Consequently, because the challenge to the petition failed to establish that there were not at least 30,000 valid signatures filed in support, the board breached its clear legal duty to certify the petition. See MCL 168.552(8), which allows the board to investigate only if the board "receives a sworn complaint, in writing, questioning the *registration of* or the *genuineness of* the signature of the circulator or of a person signing a [qualifying] petition." Emphasis added.

Intervenor Mark Brewer argues that only a candidate has standing to challenge the board's failure to certify a qualifying petition. He relies on MCL 168.552(12), which states:

A person who has filed a nominating petition with the Secretary of State and who feels aggrieved by a determination made by the board of state canvassers may have the determination reviewed by mandamus, certiorari, or other appropriate process in the supreme court.

Brewer contends that the only petition involved in this case was filed by Ralph Nader, because only a candidate can file a qualifying petition under MCL 168.590, and the provisions of MCL 168.522 are made applicable to qualifying petitions by MCL 168.590f. Although plaintiffs contend that the issue of standing was waived because it was not raised before the board, it could not have been raised at that time since the issue revolves around standing to seek mandamus relief in this Court. Moreover, had it been raised, the board would not have had authority to decide it.

None of the parties to this dispute are arguing that a qualifying petition may only be filed by the candidate in person; rather, Brewer contends that only the candidate or the authorized agent of a candidate can file a qualifying petition, citing MCL 168.590.¹ Plaintiffs contend that because Nader ratified their actions by accepting the petitions, they were acting as his agents. The Restatement of Agency 2d, § 82, defines ratification as follows:

Ratification is the affirmance by a person of a prior act which did not bind him but which was done or professedly done on his account, whereby the act, as to some or all persons, is given effect as if originally authorized by him.

See also *Henritzy v General Electric Co*, 182 Mich App 1, 8; 451 NW2d 558 (1990); Black's Law Dictionary (6th ed), p 872. It was unrebutted at the hearing that, regardless of Nader's media protestations to the contrary, he had taken every official action necessary for accepting the additional signatures, and following the hearing, his campaign committee filed the forms necessary to identify his vice-presidential running mate and electors on August 30, 2004. This

¹ A requirement that any candidate for public office file his petition in person would be unconstitutional as a severe burden on a qualified individual's right to seek public office, at least with regard to federal positions, that could not be justified by a compelling state interest. *Burdick v Takushi*, 504 US 428, 434, 119 L Ed 2d 245, 112 S Ct 2059 (1992), *Anderson v Celebrezze*, 460 US 780, 789, 75 L Ed 2d 547, 103 S Ct 1564 (1983), and *Socialist Workers Party v Secretary of State*, 412 Mich 571, 587; 317 NW2d 1 (1982).

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action ratified the additional signatures filed on Nader's behalf. There is no question that Nader knew that the Republican Party was collecting petition signatures on his behalf; he could have appeared at the hearing, filed a complaint for injunctive relief in circuit court or a complaint with the prosecutor to stop this activity; however, he did not. Therefore, even if the statute is interpreted as including an agency requirement, it was met here. Since Deleeuw was, according to the plain meaning of the statute, "a person who filed a . . . petition," he has standing.

Significantly, the Legislature has not seen fit to require the Secretary of State to obtain verification of the authority of persons filing nominating or qualifying petitions. To interpret the statutory scheme as requiring that the person filing a petition be the agent of the candidate would require the Secretary of State to conduct an investigation into the authority of every person who filed such a petition, which the Legislature has not seen fit to do. Although the challenge to the petition argued that allowing third persons to file petitions "opens up unlimited opportunities for mischief and manipulation," all the examples cited involve attempts to keep a candidate off the ballot. In this case, the object of the petition was to get Nader on the ballot, which vindicates the voting rights of those voters who would prefer to vote for Nader. The "expression of political preference . . . [is] the bedrock of self-governance." *Socialist Workers Party v Secretary of State*, 412 Mich 571, 588; 317 NW2d 1 (1982). There is a fundamental difference between actions taken to get a candidate's name on the ballot in contrast to actions taken to prevent it from appearing. Associating for the purpose of getting a candidate's name or a legislative proposal on the ballot is protected activity under the First Amendment; conspiring for the purpose of having it removed is not. *Meyer v Grant*, 486 U S 414, 421-422; 108 S Ct 1886; 100 L Ed 2d 425 (1988). In addition, all of the examples of "mischief" cited by the challengers to the petition would be forestalled where the candidate has the options of withdrawing himself from consideration as an independent candidate, filing a civil suit for injunctive relief, or filing a complaint for election fraud with the prosecutor or attorney general.

Intervenor Brewer cites *National Wildlife Federation v Cleveland Cliffs Iron Company*, ___ Mich ___, 684 NW2d 800 (2004), for the proposition that the Legislature may not simply confer standing by statute, but that a party must establish that it has or will imminently suffer an injury in fact. *Id.* at slip op p 25. We agree that such an injury is necessary regardless of MCL 552(12), but find that plaintiffs have standing solely based on the fact that they can demonstrate that they will suffer an imminent "injury in fact," i.e. a concrete and particularized invasion of a legally protected interest, if we do not intervene. Therefore, notwithstanding our finding that the statutory language supports plaintiffs' proposition, our finding of standing is, necessarily, independent of MCL 168.552 and based on plaintiffs' injury in fact. *Cleveland Cliffs, supra*.

Analyzing this case in light of *Cleveland Cliffs* the first inquiry is whether plaintiffs have a legally recognized interest to invade. *Id.* The myriad of laws passed to protect the sanctity of petitions and the public measures that incorporate the petition into the decision-making process provide ample support for the proposition that petition signers possess a legally protected interest in having their signatures validated, invalidated, empowered or disregarded according to established law – not the political whimsy of a rogue signature counter, clerk, or delivery man. Petitions are a vital means of gathering the collective assent of the people, and if the law will not

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protect a petition signer's interest in the proper use of the signature, then those opposed to the petition may quickly find themselves without an adversary.² We recognize that a court will not ordinarily allow the public to use the court's power to interfere with the executive branch's enforcement of laws, because this disturbs our constitutionally framed separation of powers. *Cleveland Cliffs, supra*, at slip op p 16. Normally, courts require citizens to resort to the election process to vent any frustration. *Id.* at slip op p 17. Election cases are special, however, because without the process of elections, citizens lack their ordinary recourse. For this reason we have found that ordinary citizens have standing to enforce the law in election cases. *Helmkamp v Livonia City Council*, 160 Mich App 442, 445; 408 NW2d 470 (1987). Moreover, we are not dealing with ordinary citizens here. Collectively, plaintiffs duly circulated, signed, and filed petitions that the board would now mute by its inaction. Under these circumstances, plaintiffs possessed a legally protected interest in having their valid signatures effectuate their petition to qualify the named political candidate as mandated by law.³

The next relevant inquiry is whether the board will imminently invade plaintiffs' interest in a concrete and particularized way. *Cleveland Cliffs, supra* at slip op p 25. The board's action, in conjunction with the deadlines involved in this case, poses the imminent threat of effectively extinguishing the petitions' power. While the statute requires plaintiffs to be aggrieved by a "determination"⁴ of the board, MCL 168.552(12), it is enough for us that the action of the board threatens to obliterate the petitions in every practical way. Therefore, the board's action certainly qualifies as an imminent, concrete, and particularized invasion of plaintiffs' interest in having their valid signatures duly and legally counted. Once plaintiffs demonstrate an injury in fact, we must simply inquire whether the board caused the action and whether a favorable decision will likely redress the harm. *Cleveland Cliffs, supra*. The board's action would have improperly taken the validity from these signatures, and our order will restore it. Therefore, plaintiffs had standing to bring this action.

Finally, the Secretary of State has moved for summary disposition of the complaint as to her for failure to state a claim on which relief could be granted. Plaintiffs have failed to allege any improper conduct on the part of the Secretary of State or that any clear legal duty was breached. Consequently, summary disposition is appropriate and is granted in the order issued concurrently with this opinion.

² We also note that the Legislature specifically protects the interest of petition signers and circulators in initiative and referendum situations. MCL 168.479.

³ Certainly the interest in having one's signature on a petition carry the political import one intended rises to a level worthier of recognition than the recreational use of lands involved in *Cleveland Cliffs*.

⁴ The board's inaction, through its deadlock, in our view constitutes an action, which is the equivalent of a determination.

Accordingly, the requested relief is granted in the accompanying order of mandamus.
We retain jurisdiction.

/s/ Peter D. O'Connell
/s/ William C. Whitbeck
/s/ Donald S. Owens

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**Petition to Suspend Payments to
Ralph Nader for President 2004 from
Presidential Primary Matching Funds**

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 17 11

Upon information and belief that Ralph Nader for President 2004, P.O. Box 18002, Washington, D.C. 20036, (hereinafter "Nader") has knowingly and substantially failed to comply with the disclosure requirements of 2 U.S.C. §434 and 11 CFR part 104, it is hereby requested that the Commission pursuant to 11 CFR §9033.9 suspend payments to Nader from the Presidential Primary Matching Payment account.

I. Facts

As established by a complaint filed today by the undersigned, attached hereto and incorporated herein by reference, Nader has knowingly received and failed to report a contribution from the Michigan State Republican Committee far in excess of the FECA's \$5,000 limit. See Michigan Court of Appeals decision attached as Exhibit B to the attached complaint, especially the finding on Republicans acting as agents of Nader at pages 3-4.

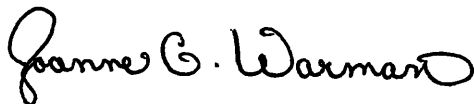
II. Law

Under the FECA and its regulations, the Federal Election Commission shall suspend payments to any candidate who knowingly and willfully fails to comply with the reporting requirements of 2 USC §434 and 11 CFR part 104. 11 CFR §9033.9(a).

III. Relief Sought

Because Nader has failed to report the knowing receipt of substantial contributions in violation of 2 USC 434 and 11 CFR part 104 the Federal Election Commission should suspend payments to Nader from the Presidential Primary Matching Account as required by its regulations.

Signed and sworn to before me.



JOANNE C. WARMAN
NOTARY PUBLIC INGHAM CO., MI
MY COMMISSION EXPIRES Nov 10, 2008



Mark Brewer
606 Townsend
Lansing, MI 48933
517-371-5410
September 9, 2004

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